

AMENDMENT AND RESPONSE TO OFFICE ACTION

the Examiner's objections and rejections.

Applicant has amended claims 1 and 25. These amendments are discussed in further detail below. Support for these amendments may be found in the specification and the original claims.

Consideration of the present drawings and claims are respectfully requested in view of the following remarks.

A. Drawings

Applicant has enclosed corrected drawings to Figs. 1-11.

The Draftsperson objected to Figs. 1-8, 10 and 11 under 37 CFR 1.84(g) for having unacceptable margins. Applicant has amended Figs. 1-8, 10 and 11 to overcome this objection.

The Draftsperson also objected to Figs. 1-11 under 37 CFR 1.84(i) for poor line quality. Applicant has amended Figs. 1-11 to overcome this objection.

In making these drawing amendments, Applicant has added no new matter. Based on these corrections, Applicant respectfully requests the Examiner to remove the objections to the drawings.

B. Claims

The Office has rejected claims 1-12 and 25-27 of the application under 35 U.S.C. § 103(a) as being unpatentable over Milsted et. al. U.S. Patent No. 6,345,256 (*Milsted*). Claims 1 and 25 are independent claims. Claims 2-12, 26 and 27 are dependant claims. Applicant has amended claims 1 and 25. For the reasons stated below, and others, Applicant respectfully traverses this rejection

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and submits that Applicant's invention is patentable under 35 U.S.C. § 103(a).

One of the criteria for a *prima facie* case of obviousness is that the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143.

Milsted does not teach or suggest all claim limitations in the rejected claims. For example, *Milsted* does not teach or suggest synchronization of a database client application with a media library.

The Applicant has amended claims 1 and 25 to more particularly point out the synchronization aspect of the invention. Claim 1, as amended, provides, in part, that the database client application manages the media assets licensed for use by a user by, but not limited to, synchronizing the media assets licensed for use by a user with the media assets available on the media player device for that user. This amendment is supported in the specification. The specification discloses that "[t]he client database in the media player and the master media library database communicate and interact to provide automatic replication and synchronization." (Page 17, lines 21-23. In addition, the media player device contacts the portal periodically or on demand to synchronize its database application with that of the portal. Through the use of the synchronization, users on any media player device may have access to assets on any other media player device associated with that account or of unrelated users. (Page 18, lines 1-3.) Thus, Applicant's invention utilizes the synchronization between each database client application and the media library database server application of the portal to access, verify, replicate and track media assets between individual media players and/or between media players and the portal.

Milsted discloses a "system for tracking usage of digital content on user devices" including "Electronic stores coupled to a network [to] sell licenses to play digital content to users." *Milsted*

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Col. 6, lines 38-42. *Milsted* utilizes “Web sites [to] provide electronic downloads of software” from Electronic stores to end users. *Milsted* Col. 13, line 25. *Milsted* does not teach synchronized communication between individual end users or between end users and the electronic store. In fact, *Milsted* tracks content by embedding a digital code in every copy of the content that defines an allowable number of secondary copies and play backs. A digital watermarking technology is used to generate the digital code, keeping it hidden from other end users. *Milsted* Col. 10, lines 60-67. *Milsted* does not describe, suggest or teach the end users synchronizing with each other or with the electronic stores to track content.

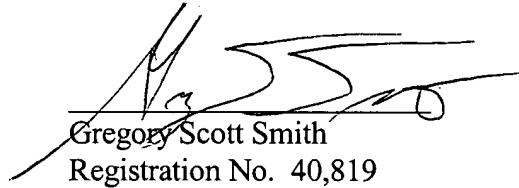
Thus, *Milsted* does not describe, suggest or teach the recited elements of claims 1 or 25 as amended. Claims 2-12 depend from claim 1, and claims 26 and 27 depend from claim 25. Accordingly, Applicant respectfully submits that the subject matter of claims 1-12 and 25-27 are patentable under 35 U.S.C. § 103(a). Applicant respectfully requests that the Examiner remove the rejection of claims 1-12 and 25-27 and allow the claims.

CONCLUSION

Applicant respectfully submits the rejections have been traversed by the preceding demonstration that *Milsted* fails to describe, suggest or teach the subject matter of the claims of this application. Applicant invites the Office to contact the undersigned at its convenience should the Office believe it would facilitate prosecution of this application. Applicant thanks the Examiner for consideration of this application.

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Respectfully submitted,



Gregory Scott Smith
Registration No. 40,819

LAVA Group, Inc.
PO Box 88148
Atlanta, Georgia 30356
Telephone: (678) 579-7822
Facsimile: (678) 579-5688

Exhibit A

1. (Once amended) A system for distributing digital media assets to a plurality of users, comprising:

a portal comprising at least one server computer, the server computer executing a media library database server application that manages access to a master library of media assets that can be accessed by users via one or more communication networks; and

a plurality of media player devices that communicate with the portal to access media assets for use, at least some of the plurality of media player devices comprising a processor that executes a database client application that manages media assets licensed for use by a user[.], such management comprising synchronizing the media assets licensed for use by a user with the media assets available on the media player device for that user.

*downloading those assets to which the user has purchased digital access rights on the media player
i.e.
user's
licensed assets*

25. (Once amended) A portal for use in a system for distributing digital media assets to a plurality of users, comprising: at least one server computer, the server computer executing a media library database server application that manages access to a master library of media assets that can be accessed by users of media player devices via one or more communication networks[.], the media library database being operative to synchronize with the media assets stored on a media player device.